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## **ARTS AND CULTURE COMMISSION**

**Penelope O'Neill, Chair**  
**Shawn Charnaw**  
**Marianne Hamilton**  
**Jonathan Knowles**  
**Colleen Wilcox**

**Jade Bradbury, Vice-Chair**  
**Mary Curtis**  
**Valerie Hopkins**  
**David Stonesifer**

### **TOWN OF LOS GATOS ARTS AND CULTURE COMMISSION AGENDA**

**WEDNESDAY, OCTOBER 14, 2009, 4:00 P.M.**

**208 East Main Street, Room 208  
Neighborhood Center (upstairs)  
Los Gatos, California**

#### **PARTICIPATION IN THE PUBLIC PROCESS**

The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item NOT on the agenda, you may do so during the "Verbal Communications" period. The time allocated to speakers may change to better facilitate the Arts and Culture Commission meeting.

The purpose of the Arts and Culture Commission meeting is to conduct the business of the community in an effective and efficient manner. This is done by following meeting guidelines set forth in State law and in the Town Code. Conduct which is considered disruptive during Arts and Culture Commission meetings includes, but is not limited to:

- Addressing the Arts and Culture Commission without first being recognized;
- Interrupting speakers, Arts and Culture Commission members, and Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the podium when directed to do so; and
- Repetitiously addressing the same subject.

For the benefit of the community, the Town of Los Gatos asks that you follow the Town's meeting guidelines while attending Arts and Culture Commission meetings and treat everyone with respect and dignity.

Writings related to an item on Arts and Culture Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public review at the front desk of the Los Gatos Public Library, located at 110 E. Main Street and are also published on the on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Neighborhood Center at the front desk.

**In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Services Department at (408) 354-6888. Notification 48 hours before the meeting will enable the Town to make reasonable arrangements to ensure accessibility to the meeting. [28 CFR 35, 102-35.104]**

1. **ROLL CALL**
2. **APPROVAL OF SEPTEMBER 9, 2009 MINUTES** (Attachment 1)
3. **COMMUNICATIONS**  
Verbal (Three minute time limit per speaker for subjects not agendized)  
  
Written
4. **STAFF REPORTS:**
  - 4.1 Council Adopted Enabling Resolution (Information Only) (Attachment 2)
  - 4.2 Approve General Agreement Terms with LGM&A (Attachment 3)  
for Management of Music in the Park
5. **COMMITTEE REPORTS: Status Reports**
  - 5.1 Music in the Park (Hopkins/Knowles)
6. **OTHER BUSINESS: Status Information Reports**
  - 6.1 Art in the Council Chambers
  - 6.2 Art on the Bridge
  - 6.3 Election of Chair and Vice Chair at Next Meeting
7. **LIAISON REPORTS (Networking the Arts)**  
(Three minute time limit per report)
8. **ADJOURNMENT**

Attachments

1. September 9, 2009 Minutes
2. Arts and Culture Enabling Resolution
3. LGM&A Agreement

ATTENDANCE: Please contact the Commission Chair or the Community Services Department at (408) 354-6888 if you are unable to attend. The current Town Attendance Resolution states that any commissioner who is absent from four regular meetings held in a twelve month period, shall surrender his or her office on the Commission.

# ARTS AND CULTURE COMMISSION

## RESOLUTION 2009-\_\_

### RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS AMENDING THE ARTS AND CULTURE COMMISSION ENABLING RESOLUTION AND RESCINDING RESOLUTION 1996-37

**RESOLVED** by the Town Council of the Town of Los Gatos, that the Town Council does hereby establish the terms and conditions for appointment to and conduct of the Arts and Culture Commission. The Commission is advisory to the Town Council and operates in the manner hereinafter prescribed.

#### 1. Membership-Organization

- a. The Commission shall consist of nine (9) voting members, whose terms of office shall be three (3) years and until their successors are appointed by the Town Council. One (1) member of the Commission shall be an arts professional, such as an artist, art historian, art administrator, museum professional, or architect.

The terms of office of the respective members shall be staggered and overlapped in such a manner that the terms of no more than three (3) of the members expire each year.

The Town Council shall fill any vacancies occurring during the term of the Commission. The Commission shall annually designate a Chairperson and Vice-Chairperson.

- b. Five (5) members of the Commission shall constitute a quorum of the Commission for the purpose of transacting business. Any member shall have the right to present a minority view to Council in reference to any report or recommendation the Commission may take.
- c. The members of the Commission shall serve without compensation, provided that with advance budgetary approval of the Town Council, the actual and necessary expenses (if any) incurred by the members in the conduct of Town business shall be reimbursable pursuant to the provisions of the current Administrative Policy.
- d. The Commission shall establish a regular time and location for its meetings and shall otherwise call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 and following).
- e. A record of all minutes and resolutions of the Commission shall be kept and shall be a public record.
- f. Residency and meeting attendance requirements will conform with current Town Resolutions.

#### 2. Duties and Functions

- a. The function of the Commission shall be to serve in an advisory capacity to the Town Council regarding Town policies within its scope of expertise; specifically, on the art, drama, music, and other creative activities of the community. With the prior approval of, and/or at the direction of, the Town Council or its delegate, the Commission shall receive public input, evaluate options, and make recommendations on policy issues including, but not limited to, the following:
  1. Matters affecting the artistic and/or cultural life of the community; and
  2. Local visual and performing arts efforts; and
  3. Matters in the field of art, aesthetics, and beautification.
- b. The Commission shall make recommendations to the Town Council concerning public art, under the terms of the current Town Public Art Selection Policy and Procedure.
- c. The Commission shall perform other duties as assigned by the Town Council.

**BE IT FURTHER RESOLVED** that Resolution 1996-37 is hereby rescinded.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of September, 2009, by the following vote:

**COUNCIL MEMBERS:**

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED: /s/ Mayor Mike Wasserman  
MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST: /s/ Jackie D. Rose  
CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA



# MEMORANDUM

## Community Services Department

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**To:** Arts and Culture Commission members

**From:** Regina A. Falkner, Community Services Director

**Subject:** Agreement with Los Gatos Music & Arts for Coordination of Music in the Park

**Date:** October 2, 2009

### BACKGROUND:

Music in the Park (MIP) is a ten-week series of free-to-the-public concerts, which are held on Sunday afternoons from June through August on the Los Gatos Civic Center lawn. MIP, now in its 21st season, is traditionally funded by community contributions raised by the Arts Commission. Arts Commission members and Town staff are responsible for all work related to the series, including fundraising, accounting, contract negotiations, advertising, and event coordination.

In February of this year, the Commission forwarded a recommendation to the Town Council that coordination and management of MIP be contracted for from Los Gatos Music and Arts (LGM&A). LGM&A is a local non-profit agency which funds and manages the summer Jazz in the Plazz concert series held at Town Plaza Park. There were several issues cited as restricting the ability of the Arts Commission to manage MIP effectively, and thus as reasons for contracting with LGM&A to provide those services. These issues include:

- ***Solicitation Policy.*** Town policy forbids all other Town commissions to solicit funds from the public, with the goal of eliminating any potential *quid pro quo* situations. A special exemption had to be made for the Arts Commission during the 2008 MIP season.
- ***Contract Negotiations.*** The Town's purchasing policy requires that the lowest responsible bidder be selected. This policy has presented challenges with regard to the selection of the optimum vendors for MIP.
- ***Impact on Town Staff.*** Due to the ongoing fiscal challenges faced by Los Gatos, along with most other municipalities in California, in the past several years the Town has faced real reductions in staff and other administrative resources. The workload of remaining staff has increased dramatically. Given the recent history of MIP, it is expected that it will continue to grow, as will the need for the staff and related administrative support that has historically been provided by the Community Services Department.
- ***Brown Act Considerations.*** The success of MIP depends on close collaboration between committee members selected to oversee various aspects of the concert series. However,

since these committee members are also all members of the Arts Commission, their communication is governed by the provisions of the Brown Act. Given the necessary lead time to post meeting notices and the like, this is an unworkable model for producing a concert series, which often requires quick response to real-time situation.

- ***Fundraising Efficiency.*** Currently, there are two organizations (Arts Commission and LGM&A) competing for the same sponsor dollars for two separate concert series. With a single organization (LGM&A) raising funds for two concert series for which it is responsible, duplication of fundraising efforts is avoided. At the same time, sponsors will only receive one solicitation request, which will likely improve the chances of financial support.

In addition, the Town Council has expressed a desire to strengthen the position of its advisory bodies as policy bodies, rather than as being involved in day-to-day service provision. In September, Council approved revised enabling resolutions for several Town commissions, including the Arts Commission, which emphasize the position of each commission as an advisory body to the Council and which remove language referencing day-to-day service provision and related activities. Managing an annual program like MIP would certainly fall under service provision rather than policy.

Council's approval of the Commission's recommendation was followed by negotiations between Town and LGM&A staff regarding the terms of the contract.

#### DISCUSSION:

Staff and LGM&A representatives have nearly completed negotiations. Key provisions of the five year contract are anticipated to be as follow:

- LGM&A will manage MIP beginning with the summer 2010 series. It will plan and produce a series of approximately 8 to 10 concerts each summer. LGM&A's work will include all fiscal accounting and management, fundraising, marketing, contract negotiations, administrative, and logistical responsibilities.
- The Town will pay LGM&A up to \$5,000 per fiscal year.
- LGM&A will provide quarterly reports to the Town. These reports must include all information pertinent to the relevant concert series, including a detailed financial plan, sponsorships, marketing plans, and performance schedules. The report due each October must also discuss any administrative challenges and opportunities encountered in the series just ended, and plans to address these in the next summer's series. The Town will not provide payment to LGM&A if these reports are not submitted in a timely manner.
- The Town will continue to provide the Civic Center Park for the concerts, as well as the stage and some related equipment.
- Town staff will continue to coordinate any internal communications, such as maintaining the Council/Commissioner sign-up sheet for the concerts.

Staff will bring the final draft agreement to the Town Attorney for his review. It will then go to the Town Council for authorization for the Town Manager to execute the agreement.

RECOMMENDATION:

That the Arts and Culture Commission approve the general contract terms as outlined in this memo for inclusion in an agreement between the Town and LGM&A to be presented to the Town Council for its consideration.

Distribution:

Los Gatos Music & Arts